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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/707,569	11/06/2000	Paul E. Bender	PA000028	9667
23696	7590	11/03/2005	EXAMINER	
QUALCOMM, INC 5775 MOREHOUSE DR. SAN DIEGO, CA 92121			TRAN, TUAN A	
			ART UNIT	PAPER NUMBER
			2682	
DATE MAILED: 11/03/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/707,569	<b>Applicant(s)</b> BENDER, PAUL E.	
	<b>Examiner</b> Tuan A. Tran	<b>Art Unit</b> 2682	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 August 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-59 is/are pending in the application.
- 4a) Of the above claim(s) 50-57 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-49, 58 and 59 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 1-49 and 58-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyers et al. (EP 1001572) in view of Kanterakis et al. (2004/0057397).

Regarding claim 41, Meyers discloses a system and method of establishing a connection between an access terminal and an access network of a wireless communications network utilized CDMA (See fig. 3), comprising: receiving a first portion (preamble) of an access probe from the access terminal; receiving data rate control information from the access terminal; and transmitting a combined message (CAM) to the access terminal at a data rate based on the data rate control signal, wherein the combined message is inherently an access probe acknowledgement message and further comprises a traffic channel assignment message and a reverse traffic channel acknowledgement (See figs. 1, 3 and col. 2 line 35 to col. 3 line 16, col. 3 lines 28-39, col. 4 lines 41-56). However, Meyers does not mention that the access network transmit a fast access indicator to the access terminal after detecting the first portion of the

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access probe and comparing the first portion of the access probe to a threshold value. Kanterakis teaches a method and apparatus for establishing a connection between an access terminal 35 and an access network 31, 32, 33 of a CDMA wireless communications network (See figs. 1, 3-4), wherein the access network 31, 32, 33 transmit a fast access indicator (ACK) to the access terminal 35 after detecting the first portion of the access probe and comparing the first portion of the access probe to a threshold value (See figs. 5-7 and page 3 [0047-0052], page 4 [0057-0059]). Since, both Meyers and Kanterakis teach about access method and apparatus for establishing a connection between the access terminal and the access network that utilized CDMA; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Kanterakis in modifying the Meyers' system for the advantage of providing a time efficiency and properly process during the connection setup stage between the access terminal and network.

Claims 1, 7-10, 14, 16-20, 21, 29 and 35-37 are rejected for the same reasons as set forth in claim 41.

Claims 58-59 are rejected for the same reasons as set forth in claim 41, as apparatus.

Regarding claim 42, Meyers & Kanterakis disclose as cited in claim 41. The fast access indicator (ACK) as disclosed by Kanterakis, inherently comprises at least 1 bit.

Claims 2, 22 and 30 are rejected for the same reason as set forth in claim 42.

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Regarding claims 43-46, Meyers & Kanterakis disclose as cited in claim 41. The wireless communication system as disclosed by Meyers & Kanterakis, utilizes CDMA protocol wherein communication signals are spreading and de-spreading using Walsh codes having a length of 32 or 64 chips.

Claims 3-6, 15, 23-25 and 31-34 are rejected for the same reasons as set forth in claims 43-46.

Regarding claim 47, Meyers & Kanterakis disclose as cited in claim 41. Kanterakis further discloses the first portion of an access probe is received on a first access channel of a plurality of fast access channels that are staged in time, and wherein the fast access indicator is transmitted during a fast access indicator slot immediately following the first portion (See figs. 5-7 and page 3 [0044-0048]).

Claims 11, 26 and 38 are rejected for the same reasons as set forth in claim 47.

Regarding claims 48-49, Meyers & Kanterakis disclose as cited in claim 41. Kanterakis further discloses the first portion of an access probe is received on the first access channel of a plurality of access channels of the wireless communications system utilized CDMA, wherein received uplink signals are de-spreading using different PN long codes having long code mask based on the system time value.

Claims 12-13, 27-28 and 39-40 are rejected for the same reasons as set forth in claims 48-49.

***Response to Arguments***

Applicant's arguments filed 08/22/2005 have been fully considered but they are not persuasive.

The Applicant argued that claim 1 is not taught or suggested by neither of Meyers and Kanterakis, alone or in combination (See Remark, page 12). The Examiner respectfully disagrees with the Applicant's argument. Meyers does teach every limitation recited in claim 1 (See figs. 1, 3 and col. 2 line 35 to col. 3 line 16, col. 3 lines 28-39, col. 4 line 41-56) except the limitation of "the access network transmit a fast access indicator to the access terminal after detecting the first portion of the access probe and comparing the first portion of the access probe to a threshold" that has been shown by Kanterakis (See figs. 5-7 and page 3 [0047-0052], page 4 [0057-0059]). Since, both Meyers and Kanterakis teach about access method and apparatus for establishing a connection between the access terminal and the access network that utilized CDMA; therefore, Meyers, in combination with Kanterakis, would arrive to the claimed subject matters of claim 1. For that reason, the rejections are proper and stand for all the pending claims.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory

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action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A. Tran whose telephone number is (571)272-7858. The examiner can normally be reached on Mon-Fri, 10:00AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Quochien Vong can be reached on (571)272-7902. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Tuan Tran

 10/31/05

QUOCHIEN B. VUONG  
PRIMARY EXAMINER